

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Whitney Lee,	:	
	:	
Plaintiff,	:	Case No. 1:18-cv-00726
	:	
vs.	:	Judge Michael R. Barrett
	:	
Cynthia Hill, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
	:	

**ORDER**

This matter is before the Court on the Magistrate Judge's April 19, 2019 Report and Recommendation (Doc. 17). Because Plaintiff has failed to keep the Court apprised of her current address since her release from custody by the Ohio Department of Rehabilitation and Correction ("ODRC"), the Magistrate Judge has recommended that this civil action be dismissed for failure to prosecute and that all pending motions be DENIED as MOOT.

Proper notice was provided to Defendants under Fed. R. Civ. P. 72(b), including notice that they would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981). No objections have been filed by Defendants. Proper notice would have been provided to Plaintiff had she kept the Court apprised of her current address. The Court will not require the Clerk to perform the futile act of sending the April 19, 2019 Report and Recommendation (and accompanying Notice) to the ODRC

facility from which Plaintiff has been released, only to have that mailing returned as undeliverable.<sup>1</sup>

Having conducted a de novo review, the Court ACCEPTS and ADOPTS the Magistrate Judge's April 19, 2019 Report and Recommendation (Doc. 17). Accordingly, Plaintiff's Complaint is DISMISSED with PREJUDICE pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute, and all pending motions (Docs. 2, 3, 4) are DENIED as MOOT.<sup>2</sup>

**IT IS SO ORDERED.**

\_\_\_\_s/Michael R. Barrett\_\_\_\_  
Michael R. Barrett, Judge  
United States District Court

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<sup>1</sup> Review of the docket indicates that Documents 6, 8, 11, and 14 were previously returned to the Clerk for this reason. (See Docs. 12, 15, 16).

<sup>2</sup> The Magistrate Judge incorrectly listed the pending motions as "Docs. 4, 5, 6." (Doc. 17 at PageID 232, 234).